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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,860	07/02/2001	Frederick Johannes Bruwer	P.19092/MAJR	6357

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EXAMINER
POLK, SHARON A

ART UNIT	PAPER NUMBER
2836	

DATE MAILED: 02/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/806,860	BRUWER, FREDERICK JOHANNES	
	Examiner	Art Unit	
	Sharon Polk	2836	

-- Th MAILING DATE of this communication appears on th cover sh et with the correspondence addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *July 2, 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *51-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *51-72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 July 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☒ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the transfer circuit, find in the dark indicator and the power source level indicator (claims 51, 58, 61, and 63), the combination of the two indicators (claim 53), the electric motor (claim 58), the radio (61) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to because they fail to comply with 37 CFR 1.84(g). Accordingly, the margins should be as follows: Top: 2.5 cm, Left: 2.5 cm, Right: 1.5 cm, and bottom: 1 cm. Applicant may consider adding additional drawing pages so that page 5 of 6, in particular, will not be crowded.

The drawings are objected to because it is not clear which figure depicts the transfer circuit is not forming a serial link between the power source and the load as claimed.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

3. Claims 51-72 are objected to because of the following informalities: the recitation "not forming a serial link in a transfer circuit between the power source and the load;" is not positively recited. While it is not required that the recitation be positively recited, it is unclear where this transfer circuit is located. However, as understood, based upon interview with Applicant's representative, the microchip is the transfer circuit, and **is not** in series with the load.

Claims 65, 70, and 71 are objected to because the metes and bounds of claims is not adequately claimed. The recitation "said microchip also performs some functions related to the charging of said power source" is vague, and indefinite.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 51, 52, 54-67, 70, and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, US 5,645,341 in view of Bradley, USP 4,611,264, and Bertolino, USP 4,497,881.

5. With regard to claims 51, 58, 61, 63, 64, 66, 67 Liao teaches an electronic circuit for use in a system with an exhaustible power source (28), a power switch (25), and an

energy consuming load (26) being primarily a light generating element, said system comprising:

(a) a microchip (35) having at least a first input, said first input transmitting a signal to said microchip when said load has been activated or deactivated and: when in use with said power source and said load, not forming a serial link in a transfer circuit between the power source and the load (fig. 5);

(b) said power switch configured to be connected to said power source and to said load, and to control by on/off switching energy flow from said power source to said load (fig. 5).

Liao teaches the claimed invention (of claims 51, 58, and 61) except for explicitly teaching a find-in-the-dark location indicator that is active when the load is not energized and the power source is not being charged, and a power source level indicator that is active when the load is not energized and the power source is not being charged as precisely claim.

Bradley teaches a find-in-the-dark location indicator that is active when the load is not energized and the power source is not being charged (col. 2, ll. 24-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Liao with the teachings of Bradley for the purpose of providing a combination switch light and rechargeable flashlight, which will be reliable and quickly locatable flashlight (col. 1, ll. 16-18).

Bertolino teaches a power source level indicator that is active when the load is not energized and the power source is not being charged (abstract). It would have been

obvious to one of ordinary skill in the art at the time of the invention to modify Liao with the teachings of Bertolino for the purpose of providing continuous indication of battery depletion in a manner that is less expensive (col. 2, ll. 29-32).

With regard to claims 58 and 61, adding additional loads other than a light generating element. The plain meaning of a load is the power consumed by a machine or circuit in performing its function. Modern Dictionary of Electronics, 7th Ed., p. 431. As such the art used to reject claim 51, is also being applied to claims 58 and 61, because a motor, and a radio meet the requirements of a load as claimed.

With regard to claims 52, and 59, Bradley teaches the feature of the indicating light changing activation sequence to indicate a change in operating mode (col. 1, ll. 31-41) for the purpose of indicating clearly when the battery needs to be recharged.

With regard to claims 65, 70, and 71, Liao microchip also performs some functions related to the charging of said power source (col. 3, ll. 2-36).

With regard to claims 54, 55, 57, 60, 62, 63, Liao teaches an automatic delayed shut-off function in response to an activation signal on said first input, with said first input comprising an activating/deactivating user interface and said power switch controlled by said electronic circuit (col. 3, ll. 23-36).

With regard to claim 56, Bradley teaches a change in mode if the indicator (col. 1, ll. 38-41) for the purpose of preventing any unnecessary charging or replacement (of the battery) (col. 1, ll. 36-37).

Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liao, in view of Bradley, and Bertolino as applied to claim 52 above, and further in view of Ishinaga et al., US 5,942,770.

With regard to claim 53, adding the limitation of combining the indicators. The examiner notes that the feature that is not taught by Liao, Bradley, or Bertolino. However, Ishinaga et al. teach a two-color LED component. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Liao as modified by Bradley and Bertolino with the teachings of Ishinaga et al. because in recent years, as portable phones, portable transceivers, and similar appliances become more and more popular, slimness has been eagerly sought in those appliances. As a result, also with the LEDs that are widely used for displaying and illumination purposes in such appliances, suitability for use in slim appliances has been eagerly sought (col. 2, ll. 1-6). Therefore, in an effort to minimize the amount of space required for 2 LEDs, a single dual-colored LED would be obvious modification of Liao as modified by Bradley and Bertolino.

Allowable Subject Matter

6. Claims 68, 69, and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art does not teach or fairly suggest the controlling one of the recited

functions (average power reduction, intermittent activation, or code sequencing of activation) in combination with the recited electronic circuit for use with a flashlight having a microchip. Additionally, the prior art does not teach or fairly suggest the microchip of electronic circuit for use with a flashlight having a microchip determining the selected function based on either the number of activation signals, the time duration between signals, or time duration of activation signals in combination with the other recited elements of claim 63.

Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USP nos. 3,535,282, 3,890,555, 4,001,803, 4,875,147, 5,005,004, 5,057,383, 5,138,538, 5,206,097, 5,806,961, 5,856,717, and 6,095,661 disclose similar aspects of the claimed invention.

Communication with the PTO

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Polk whose telephone number is 703-308-6257. The examiner can normally be reached on M-F 7-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 703-308-3119. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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January 24, 2003

Sharon Polk

Patent Examiner – Art Unit 2836